

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA )  
                                )  
                                )  
V.                            )       CASE NO:3:05-CR-121-MHT  
                                )  
                                )  
MALIK ELAWAD              )

NOTICE OF FILING OF ADDITIONAL EXHIBIT  
IN SUPPORT OF SENTENCING POSITION

COMES NOW the Defendant, Malik Elawad, by and through undersigned counsel, and gives notice of filing of an Affidavit from Sudanese Culture Expert Osman Fadl as exhibit number twenty-eight (28) in support of his sentencing position.

Respectfully submitted,

s/ Christine Freeman  
CHRISTINE A. FREEMAN  
TN BAR NO.: 11892  
Attorney for Defendant  
Federal Defenders  
Middle District of Alabama  
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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:  
Assistant United States Attorney Todd Brown, One Court Square, Suite 201, Montgomery, Alabama 36104.

Respectfully submitted,

s/Christine A. Freeman  
CHRISTINE A. FREEMAN  
TN BAR NO.: 11892  
Attorney for Defendant  
Federal Defenders  
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V.                          )     CASE NO:3:05-CR-121-LSC  
                              )  
MALIK ELAWAD              )

AFFIDAVIT

STATE OF GEORGIA           )  
COUNTY OF DEKALB           )

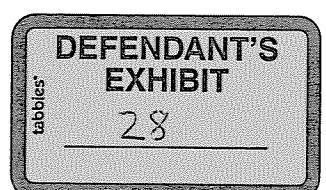
I, OSMAN FADL, being duly sworn, states as follows:

1. I was born in Korti, in the extreme Northern portion of the Sudan, on the river Nile. I was raised in Khartoum, Sudan. I was educated at the University of Khartoum. In 1968, I received my Ph.D. in Agriculture from the University of Aberdeen, located in Scotland. After receiving my Ph.D., I worked on agricultural research. Subsequently, I became a professor of Agriculture, and eventually Dean of Agricultural Science at the University of Gezira.

2 I came to Cairo, Egypt as a refugee in 1992. While there from 1999 until 2004, I was the Coordinator of the Sudanese Organization Against Torture. I, along with my family, came to the United States in January of 2004 as a refugee.

3. I have had contact with the Refugee Family Service Center in Clarkston, Georgia since January of 2004. Also since that time, I have been invited to give presentations and discussions on the Sudanese culture.

4. On June 1, 2006, I spoke with Attorney Patricia Kemp regarding the Malik Elawad case. I viewed various photographs of Mr. Elawad and reviewed letters written by Mr. Elawad's family.



5. I also discussed what bearing Mr. Elawad's Sudanese culture may have had on Mr. Elawad's behavior during the events leading up to the charges pending in this case. The following information represents the various aspects of the Sudanese culture that may have affected Mr. Elawad's behavior:

6. The Sudanese people abide by a strict code of friendship. If you are friends with someone, that bond requires that you remain friends with that person no matter what. Even when an individual is engaging in unsavory conduct, rarely is the friendship broken.

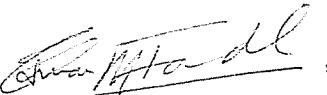
7. The Sudanese people also have a deep respect for its elders. In the Sudanese culture, an elder is some one that is older than you. For example, it is a common saying in the Sudanese culture that "If someone is older than you by one day, they are more knowledgeable than you by one year." Thus, you must respect someone who is older than you.

8. The Sudanese culture also places immense value on belonging to a group of people with whom you have things in common or belonging to a group of friends. Often, when a person from the Sudan comes to the United States and initially cannot find friends or other individuals with whom he can share the same cultural experiences, that person becomes open to being influenced by a group where he can find acceptance.

9. The Sudanese culture also places great value on honoring promises. Promises should not be broken when they are made to a parent, sibling, or member of the community.

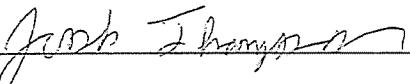
10. All of these aspects of the Sudanese culture may have had some bearing on Mr. Elawad's inability to leave Mr. Chigawa, if Mr. Chigawa was someone that Mr. Elawad viewed as his friend.

Further Affiant saith not.

  
OSMAN FALD

June 1, 2006

DATE

  
WITNESS